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DAVID L. SNYDER\*  
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\* ADMITTED NY, NJ AND DC

REPLY TO:

Westchester office

December 21, 2012

Honorable Supervisor-Mayor Belmont  
and Members of the Town Board  
Town of Harrison  
1 Heineman Place  
Harrison, New York 10528

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless  
Special Exception Use Application for  
Emergency Backup Power Generator for Existing Public Utility  
Wireless Telecommunications Facility at  
Westchester Country Club, 99 Biltmore Avenue, Harrison, NY

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2012 DEC 24 AM 11:55  
TOWN CLERK  
HARRISON, N.Y.

Dear Hon. Supervisor Belmont and Members of the Board:

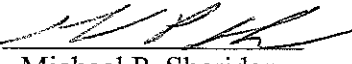
We are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless in connection with its special permit application to install a small emergency backup power generator ("Generator") at the captioned property ("Property"). The Generator will be located near the service entrance area behind the existing Westchester Country Club building on the approximately 327 acre Property and will be screened by existing mature vegetation. The Generator will ensure that Verizon Wireless' existing facility on the Property may continue to provide uninterrupted wireless communication services to the surrounding area in the event of a power failure or other emergency. On December 18, 2012, the Planning Board unanimously granted its approval of the special use permit for the Generator. In connection therewith, I respectfully request that this matter be placed on the January 3rd agenda to schedule a public hearing for January 17th.

In connection with the foregoing, I am pleased to enclose ten (10) copies of the following materials:

1. Planning Board special exception use permit application;
2. Memorandum in Support of the Application, with exhibits; and
3. Site Plan.

We thank you for your consideration. If you have any questions or require additional documentation, please do not hesitate to call me at (914) 333-0700.

Sincerely yours,  
SNYDER & SNYDER, LLP

By:   
Michael P. Sheridan

*part of E-2*

PLANNING BOARD RESOLUTION PB2012/73  
DECEMBER 18, 2012

SPECIAL EXCEPTION USE RESOLUTION APPROVAL FOR  
VERIZON WIRELESS BACK-UP GENERATOR  
FOR PROPERTY LOCATED AT  
99 BILTMORE AVENUE, KNOWN & DESIGNATED  
AS BLOCK 566, LOT 1

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HARRISON, N.Y.

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**WHEREAS**, Verizon Wireless, (hereinafter referred to as "The Applicant") has submitted a Special Exception Use application for property located at 99 Biltmore Avenue, more specifically known and designated as Block 566 , Lot 1; and

**WHEREAS**, the Applicant proposes the applicant proposes to install one exterior generator and a concrete pad.

**WHEREAS**, the subject site is located within the R-1 Zoning District; and

**WHEREAS**, "Country Clubs" are designated as Special Exception Uses in the R-1 Zoning District; and

**WHEREAS**, the proposed project has been classified as a Type II Action. No further SEQR environmental review is required.

**NOW THEREFORE BE IT RESOLVED**, that in accordance with the provision of Section 235-14E, the Planning Board finds that the proposal:

1. Will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood. The proposal is not inconsistent with the Master Plan.
2. The disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained by either the neighborhood or the Town by authorizing this Special Exception Use Permit.
3. To the extent that the Town has authority to address applicable issues, the health, safety, welfare, comfort, convenience, and order of the Town will not be adversely affected by the use.
4. Such use will be in harmony with, and promote the general purpose and intent of the Special Exception Use provisions established in the Zoning Ordinance.

**BE IT FURTHER RESOLVED**, that the proposed project complies with Special Exception Use General Considerations established in Section 235-16 of the Zoning Ordinance as follows:

*Verizon Wireless Back-up Generator  
Special Exception Use Permit*

12/19/12

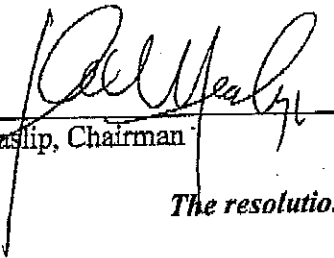
1. The improvements proposed by the Applicant are located on the grounds of an existing country club. As such, the site represents a particularly suitable location for such use within the community.
2. The plot area is sufficient, appropriate and adequate for the proposed use. The generator is proposed to be located adjacent to the building and within all applicable setback requirements.
3. The proposed project is not located near a place of public assembly.
4. No change to existing access facilities is proposed.
5. No change to existing curb cuts is proposed.
6. Emergency access has been adequately addressed.
7. No special setbacks are necessary.
10. The provision of public recreational areas is not required on this site for this use. The site is located on a golf club.
11. The proposed improvements will have no impact on the site's existing stormwater management system. No impacts are anticipated.
12. The project will not result in any increase in the site's demand on municipal services.
13. The project will not generate excessive amounts of dirt, refuse or any other type of environmental pollution, including vibration, noise, electrical discharges, odors, smoke or irritants.
14. The hours of operation of this facility will not require regulation. Regular testing of the generator will occur during normal business hours.
15. No special conditions and safeguards apply to this use.

**BE IT FURTHER RESOLVED**, that this resolution shall have an effective date of December 18, 2012.

On the motion of Raymond A. Kraus, seconded by Mark Rinaldi, it was adopted by the following vote:

**AYES:** Thomas Heaslip, Anthony Spano, Mark Rinaldi, Raymond A. Kraus, Nonie Reich, and Kate Barnwell

NAYS: None  
ABSTAINED: None  
RECUSED: None  
ABSENT: Marshall Donat

  
Thomas Heaslip, Chairman

*The resolution was thereupon duly adopted.*

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JOHN GLENN  
HARRISON, N.Y.

PLANNING BOARD RESOLUTION PB2012/74  
DECEMBER 19, 2012

SITE PLAN APPROVAL FOR THE  
VERIZON WIRELESS BACK-UP GENERATOR  
FOR PROPERTY LOCATED AT  
99 BILTMORE AVENUE, KNOWN & DESIGNATED  
AS BLOCK 566, LOT 1

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HARRISON, N.Y.  
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**WHEREAS**, Verizon Wireless, (hereinafter referred to as "The Applicant") has submitted a Site Plan application for property located at 108 Corporate Park Drive, more specifically known and designated as Block 621 Lot 11; and

**WHEREAS**, the Applicant is proposes to install one exterior generator and a concrete pad; and

**WHEREAS**, the subject site is located within the R-1 Zoning District; and

**WHEREAS**, the Applicant submitted site plans prepared in conformance with the Town of Harrison Zoning Ordinance, which included the following drawings:

- T-001.00 Cover Sheer, prepared by Innovative Engineering, Inc., Wall Township, NJ, dated February 21, 2011, last revised March 22, 2012
- C-001 Site Plan, prepared by Innovative Engineering, Inc., Wall Township, NJ, dated February 21, 2011, last revised March 22, 2012

**WHEREAS**, the application was heard by the Planning Board on November 27, 2012 and December 18, 2012, at which time interested members of the public were given an opportunity to comment on the application; and

**WHEREAS**, the Planning Board has determined that the proposed project is classified as a Type II Action under SEQR no further environmental review is required.

**WHEREAS**, the requirements for Site Plan approval contained in section 235-71 of the Town of Harrison Zoning Ordinance have been met by side Site Plan Application.

**NOW THEREFORE BE IT RESOLVED**, that based upon the foregoing, which is hereby incorporated as if fully set forth herein, the Planning Board hereby grants Site Plan Approval for the proposal depicted on the Site Plans detailed above, subject to the conditions and limitations established on the plans, as well as the customary Town of Harrison Standard and Conditions, and the following conditions:

**CONDITIONS PRIOR TO ENDORSEMENT OF SITE PLAN**

The following conditions shall be completed by the Applicant prior to the endorsement of the Final Site Plan by the Planning Board Chairman:

1. This Site Plan Approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this Resolution of Approval and as delineated on the Final Site Plan as endorsed by the Planning Board Chairman. *Any change in use, alteration or modification to the Site Plan, or to the existing or approved facilities and site shall require the review and approval by the Planning Board of the Town of Harrison.*
2. The Applicant shall furnish the Planning Board with one (1) mylar set and one (1) print set of the Site Plan as described above, for endorsement by the Planning Board Chairman, as the approved Final Site Plan:
3. Upon payment of all required fees and the satisfaction of all conditions of this resolution and following the endorsement of the Final Site Plan by the Planning Board Chairman, the mylar set will then be returned to the applicant for copying; the print set will be retained by the Planning Board as a record copy.
4. No changes, additions, erasures, modifications or revisions shall be made to the Final Site Plan following endorsement by the Planning Board Chairman. Any changes detected after endorsement of the Site Plan as final, shall result in the immediate termination and revocation of this Resolution of Approval, thereby making it null and void.
5. Within ten (10) days after endorsement of the Site Plan by the Planning Board Chairmen as final, the Applicant shall deliver to the Planning Board Secretary three (3) printed sets, collated and folded, of the Final Site Plan as endorsed by the Chairman. No Building Permit shall be issued by the Building Inspector until the required Final Site Plan print sets are provided to the Planning Board Secretary.
6. The applicant shall obtain all other necessary permits and approvals, and shall pay all other fees as may be required by other applicable agencies prior to the execution of the Site Plan.

#### **CONDITIONS PRIOR TO ISSUANCE OF A BUILDING PERMIT**

The following conditions shall be completed by the Applicant prior to the issuance of a Building Permit by the Building Inspector:

7. The Building Inspector shall not issue a Building Permit pertaining to the activities approved herein until the Applicant has complied with Conditions 1 – 6.
8. The Applicant shall satisfactorily address all comments of the Town Engineer.

9. The Building Inspector shall conduct a zoning compliance review, and shall certify that the site plan complies with the applicable zoning regulations.
10. Authorized issuance of a Building Permit by the Building Inspector shall be fully based on, and in accordance with this Resolution of Approval and the signed and filed Final Site Plan. The Building Inspector shall include reference to the Final Site Plan and this Resolution of Approval on any Building Permit.

**GENERAL CONDITIONS OF IMPLEMENTATION AND CONSTRUCTION**

The following conditions shall apply during the implementation of the site improvements and construction of the Project:

11. No construction activity shall take place on the Site prior to the issuance of a Building Permit by the Building Inspector.
12. The hours of construction activity shall take place in conformance with the applicable Town Regulations.
13. All site utilities shall be installed underground.
14. All routine testing of the generator shall occur during normal business hours.
15. A clean and legible copy of this Resolution (as signed by the Planning Board Chairman) and a copy of the signed Final Site Plan shall be maintained at the subject property at all times.

**PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY**

The following conditions shall be complied with prior to the issuance of a Certificate of Occupancy by the Building Inspector:

16. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, an "As-Built" Plan showing the installed and completed improvements, certified by a New York State licensed Land Surveyor shall be prepared at the sole expense of the Applicant. Said As-Built Plan shall be provided to the Building Inspector, documenting satisfactory completion of all approved and authorized construction activities and zoning compliance.
17. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval, which may lead to the revocation of the Approval and/or Certificate of Occupancy, in accordance with the applicable provision of the Town of Harrison.

**BE IT FURTHER RESOLVED,** That this Site Plan Approval shall remain valid for a period of one (1) year from the date of its endorsement by the Planning Board Chairman.

This Site Plan Approval shall become null and void on December 18, 2013, unless construction is commenced pursuant to an authorized Building Permit.

**BE IT FINALLY RESOLVED**, that this Site Plan Approval resolution shall have an effective date of December 18, 2012.

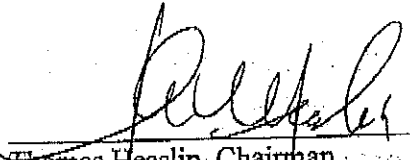
On the motion of Mark Rinaldi, seconded by Raymond A. Kraus, it was adopted by the following vote:

**AYES:** Thomas Heaslip, Anthony Spano, Mark Rinaldi, Raymond A. Kraus, Nonie Reich and Kate Barnwell

**NAYS:** None

**ABSTAINED:** None

**ABSENT:** Marshall Donat

  
\_\_\_\_\_  
Thomas Heaslip, Chairman

*The resolution was thereupon duly adopted.*

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2012 DEC 27 PM 2:07  
JOHN J. HARRISON, N.Y.